

**OPINION  
56-103**

January 4, 1956        (OPINION)

SCHOOL DISTRICTS

RE: Pupils - Transportation Costs

We have received your letter of January 3, 1956, wherein you state that a certain school district in your county has asked whether it can legally pay transportation or allowance for a high school student attending school in another state under the terms of chapter 133 of the 1955 Session Laws.

Section 15-3409 of the N.D.R.C. of 1943, as amended by chapter 133 of the 1955 Session Laws, reads as follows:

"Any school district which has maintained a high school and which discontinues such high school may provide transportation from the places of residence or, where convenient or more economical, may pay a reasonable allowance for board and lodging, at the option of the school board, for pupils who are eligible to attend high school and who reside in the district, in order that such pupils may attend a high school in another school district in the county, or in an adjoining county. Such transportation or allowance shall be provided in such manner and in such amounts as shall be determined by the board of the district furnishing such transportation or allowance."

From reading the above statute it seems that transportation or allowance can only be paid if the student resides in the district and is attending a high school in another school district in the county or in an adjoining county.

We believe that in the case you cite the resident school district could not legally pay transportation or allowance for a student attending a high school in another state.

LESLIE R. BURGUM

Attorney General